

This bill has the support of the governor of the State of Montana. It has the support of both United States Senators, Democrat and Republican. It has the support of county commissioners in Broadwater and Lewis and Clark County, Democrats and Republicans. It has the support of the administration. It has the support of sportsman groups, and it has the support of local conservation groups.

On October 10, the Executive Office of the President wrote to Senator BAUCUS saying, "I am writing to express the Administration's support for the substitute amendment to . . . the Montana Fish and Wildlife conservation act." It goes on to say that this bill would create "a unique opportunity to exchange lands at Canyon Ferry Reservoir for other lands in the State to conserve fish and wildlife, enhance public hunting, fishing, and recreation opportunities, and improve public access to public lands."

It is important for my colleagues to understand that this is basically a land exchange bill. The proceeds from the sale of these lots will be put into a trust fund, and this trust fund will be used for the purposes of acquiring other lands in this area or other conservation efforts in those areas.

I want my colleagues to understand that this area on the Missouri River from Three Forks to Holter Dam is an area that is prime trout habitat. In fact, the watershed there is a watershed that supports critical cutthroat habitat, and the funds from the sale of these lots will be used for the purposes of conserving that habitat which is extremely critical. As we all know, the cutthroat has been proposed as a threatened species. It will also be used to accomplish other conservation efforts to acquire other access to the river and to the reservoir and it will also be used to secure other lands.

Mr. Speaker, it is important to note that the trustees over this trust fund will be appointed by the Secretary of the Interior, so the Secretary will approve whoever serves on this trust fund, and the trust fund itself will be protected. Only the income from the trust fund can be used, so it will be a permanent trust fund to help secure important habitat and to provide access.

Mr. Speaker, the gentleman from California (Mr. MILLER) has pointed out that there is some controversy, or was some controversy, over the method of selling the lots. Substantially, those were changed at the request of the administration so that it is clear now these lots will be valued using existing law for the purposes of determining the appraisal and for the purposes of bidding.

It is important for Members to understand that these lots can only be sold at or above fair market value, which will be determined by an independent appraisal process. It is true that cabin owners will have the option to buy those lots, a last refusal right,

but it is important for my colleagues to understand that that is necessary because currently the leases go to the year 2008, and there are improvements on these lots that have to be accommodated somehow in the transaction.

I would just urge my colleagues to look at the fact that the administration supports this; Democrats and Republicans that are local and here in Washington support it; it has the support of landowners and conservation groups and sportsman groups. I think that that in and of itself indicates this is a consensus approach to resolving a long-standing problem.

Mr. Speaker, with that I urge all of my colleagues to support the bill.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### SUBJECTING CERTAIN RESERVED MINERAL INTERESTS OF THE OPERATION OF THE MINERAL LEASING ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3878) to subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes.

The Clerk read as follows:

H.R. 3878

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding the provisions of section 4 of the 1964 Public Land Sale Act (P.L. 88-608, 78 Stat. 988), the Federal reserved mineral interests in lands conveyed under that Act by United States land patents No. 49-71-0059 and No. 49-71-0065 shall be subject to the operation of the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) ENTRY.—Any person who acquires any lease under the Mineral Leasing Act for the interests referred to in subsection (a) may exercise the right to enter reserved to the United States and persons authorized by the United States in the patents conveying the lands described in subsection (a) by occupying so much of the surface thereof as may be required for all purposes reasonably incident to the exploration for, and extraction and re-

moval of, the leased minerals by either of the following means:

(1) By securing the written consent or waiver of the patentee.

(2) In the absence of such consent or waiver, by posting a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to insure—

(A) the completion of reclamation pursuant to the Secretary's requirements under the Mineral Leasing Act, and

(B) the payment to the surface owner for—

(i) any damages to crops and tangible improvements of the surface owner that result from activities under the mineral lease, and

(ii) any permanent loss of income to the surface owner due to loss or impairment of grazing use, or of other uses of the land by the surface owner at the time of commencement of activities under the mineral lease.

(c) LANDS COVERED BY PATENT NO. 49-71-0065.—In the case of the lands in United States patent No. 49-71-0065, the preceding provisions of this section take effect January 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3878, a bill to open to the operation of the Mineral Leasing Act two tracts with reserved Federal mineral estate near Big Piney, Wyoming. The lands affected by this bill were sold at auction several decades ago under a statute which requires the minerals be reserved to the United States in the land patent because the surface was to be used for commercial purposes.

But, the planned use never occurred. The tracts remain grazing lands, like thousands of acres nearby that are currently subjected to interest for oil and gas exploration and development. Sublette County, Wyoming, where the affected parcels are located, hosts the Jonah field, which has been described as the largest recent onshore discovery of natural gas on public lands. One unleased parcel will be subject to competitive bid offering under the normal BLM leasing process. BLM has already leased the other parcel.

Mr. Speaker, I urge my colleagues to support H.R. 3878 to help make available a prospective supply of this fuel. The gentlewoman from Wyoming (Mrs. CUBIN) should be commended for her work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3878, as explained by the chairman of the subcommittee, would open two tracts of land in Sublette County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended.

It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the United States to enter lands and occupy the surface for oil and gas operations. The bill would also protect the

surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. This bill would also validate an existing lease on one of the two tracts of land that the BLM inadvertently leased in 1997.

Mr. Speaker, the administration supports the enactment of this legislation, and we have no objection to the substance of the bill.

Mr. Speaker, H.R. 3878 would open two tracts of land in Sublette, County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended. It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the U.S. to enter the lands and occupy the surface for oil and gas operations. The bill would also protect the surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. The bill would also validate an existing lease to one of the two tracts of land that the BLM inadvertently leased in 1997.

Title to the surface of the subject lands was transferred through the Public Land Sales Act of 1964, P.L. 88-608, which authorized disposal of public lands for certain specified users (chiefly grazing and foraging.) Upon transfer of the lands, the mineral rights were reserved to the U.S. and withdrawn from leasing.

The surface of the land was sold and has been used primarily for grazing. In 1997, the BLM offered one of the two tracts for competitive lease. Enron Corporation succeeded in leasing the tract for \$165 per acre. Subsequently, BLM discovered its error and concluded that they would be required to cancel the leases. H.R. 3878 would allow the lease to stay in effect and would authorize them to offer the other tract for lease.

The administration supports enactment of H.R. 3878. We have no objection to the substance of the bill.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3878.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read as follows:

"A bill to subject certain reserved mineral interests to the operation of the Mineral Leasing Act, and for other purposes."

A motion to reconsider was laid on the table.

#### REQUIRING STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve

the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The Clerk read as follows:

H.R. 4501

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating, and camping) made available to the public on the Federal lands described in subsection (b).

(b) COVERED FEDERAL LANDS.—The Federal lands referred to in subsection (a) are the following:

- (1) National Forest System lands.
- (2) Units of the National Park System.
- (3) Areas in the National Wildlife Refuge System.

(4) Lands administered by the Bureau of Land Management.

(c) REPORT ON STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report containing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HANSEN. Mr. Speaker, H.R. 4501 is a bill introduced by the gentleman from Colorado (Mr. BOB SCHAFFER). The gentleman deserves credit for working hard to craft a bill which will lead to the benefit of disabled people across the United States.

H.R. 4501 directs the Secretary of Agriculture and the Secretary of the Interior to study ways to improve access for the disabled to outdoor recreation on Federal land. Emerging disabled outdoor sports markets point to a growing demand for recreational opportunities for the over 40 million disabled in America.

Over the last several decades, the disabled have proven that personal determination and technological advances can overcome seemingly insurmountable obstacles. This legislation brings a heightened awareness of these issues by studying ways to improve access for disabled Americans pursuing outdoor recreational activities. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this legislation H.R. 4501, has had no hearings or markups in the

Committee on Resources. We just did a disabled access study 7 years ago co-sponsored by the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) of our committee. The result of this study was a memorandum of understanding entered into between Federal land management agencies and the wilderness disability access groups.

So, I do not think there is really a need for this study when, in fact, we have already procured that information and have entered into an agreement and continue to work on those efforts.

There is concern by a number of people that this legislation, in fact, is a stalking horse for those who would unfortunately want to use this agenda to justify additional roads, whether in wilderness areas or in other Federal resource areas, and use the subject of individuals with disabilities as a means of sponsoring those roads to cut in and to open a number of the wilderness areas.

Mr. Speaker, I think given the history of our committee's work on this legislation, the fact that we have reached agreement with a number of these groups on this topic, and that we just did an expansive and exhaustive study on this effort, I would oppose this legislation.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the people in America realize that a few years ago under the direction of President Bush, we passed a bill called the Americans with Disabilities Act, a very important piece of legislation. Up to that point, there were all kinds of obstacles standing in the way of people who were disabled.

The thing I found very interesting at that time was a part of the Wilderness Act. In 1964, Congress passed the Wilderness Act which said we could use no mechanized things in the wilderness. Up to that point, what does a person do who wants to take something mechanized into the wilderness?

I remember distinctly being in Ogden, Utah, and a youngster came up to me, young by my terms anyway, and he was in a wheelchair and had the broad shoulders and the biceps and the bit. We talked about what he could do. He unfortunately lost his legs in Vietnam. He made an interesting statement to me. He said, "As a kid, I used to go in the wilderness areas with my uncle and my dad and we would fish." He talked about the north slope of the Uinta Mountains and he said, "Congressman, I am not subject to this wheelchair. I play tennis," and he said, "I'll take you on." And he probably would have defeated me.

He said, "I play basketball. I road race. I do all of these things, and I do it in this wheelchair." He showed how he could get on his hands, and said "I